

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

FEB 14 2015

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Alfredo Pineda-Arzate
A087 627 959

YOB:

PRINCIPAL
1985

the United Mexican States

Case Number:

M-15-0231-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 12, 2015 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Boris Rodolfo Ochoa-Escobar citizen and national of Guatemala and one (1) other undocumented alien for a total of two (2), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near La Gloria, Texas to the point of arrest near La Gloria, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On February 12, 2015, at approximately 6:45 p.m., the Starr County Sheriff's Office received information regarding a Maroon or Red Explorer picking up possible undocumented aliens on FM 1017. Deputy J. Alaniz responded to the area since he was close to the location. As Deputy Alaniz was travelling north on FM 755 approximately half a mile south of La Gloria, he observed a vehicle matching the description. Deputy Alaniz turned around in an attempt to further investigate the vehicle travelling south on FM 755. Deputy Alaniz was able to get close to the vehicle and maintained a clear visual of it. A vehicle registration check came back to female from Rio Grande City, Texas. As Deputy Alaniz continued to follow the vehicle he noticed that it was weaving in and out of the lane of travel and onto the shoulder disregarding an official traffic control device.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Cipriano Shears

Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

February 14, 2015

Date

at McAllen, Texas
City and State

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15-0231-M

RE: Alfredo Pineda-Arzate

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CONTINUATION:

At that point, Deputy Alaniz initiated his emergency lights to perform a traffic stop. The vehicle failed to yield and a pursuit ensued. The driver of the vehicle then began to accelerate exceeding speeds of 65 MPH. Deputy Alaniz travelled for approximately one mile south on FM 755 when he observed the vehicle merge into the northbound lane and continue south driving on the north bound lane until it made an abrupt turn into the east brush line off FM 755 just north of Santa Anna Convenience store. Deputy Alaniz then observed the vehicle make an abrupt turn west due to a dirt berm and strike a mesquite tree making impact with the rear driver side quarter panel. The vehicle then rolled over completing one and one half turns and coming to a rest with its tires facing up into the air.

As Deputy Alaniz brought his unit to a complete stop he observed a subject later identified as Alfredo PINEDA-Arzate, crawl out of the front passenger side window due to the driver's side window area being smashed in. Deputy Alaniz observed PINEDA run east into the brush. Deputy Alaniz then observed a second subject later identified as Boris Rodolfo OCHOA-Escobar, also run into the east brush area. A third subject exited the vehicle but was immediately apprehended. This subject was bleeding from his nose and forehead and Deputy Alaniz requested the assistance of Emergency Medical Services. Deputy Alaniz searched the vehicle and no one else was inside.

Border Patrol Agents arrived to assist and ultimately apprehended the two subjects that had fled. Deputy Alaniz stated that he could identify the driver of the vehicle. Starr County Sheriff's Office took custody of the vehicle. Alfredo PINEDA-Arzate along with the two subjects were determined to be undocumented aliens and subsequently transported to the Rio Grande City, Texas Border Patrol Station.

PRINCIPAL STATEMENT:

Once at the Rio Grande City, Border Patrol Station, Alfredo PINEDA-Arzate was read his Miranda Rights and he requested an attorney to be present.

MATERIAL WITNESS STATEMENT:

Once at the Rio Grande City, Border Patrol Station, Boris Rodolfo OCHOA-Escobar was read his Miranda Rights and he gave a statement without an attorney present.

**UNITED STATES DISTRICT COURT
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OCHOA stated that he is a citizen and national of Guatemala. His family made arrangements for him to be smuggled into the United States. OCHOA stated that he was going to pay a total of \$5,000 dollars in smuggling fees and so far he has paid the smugglers \$2000 dollars in advance. OCHOA stated that he crossed the Rio Grande River along with twelve other subjects, and that he crossed a gate and loaded into a Sport Utility Vehicle. OCHOA stated that they got into the vehicle and drove north until they came to a high fence and everyone got out of the vehicle and left it parked on the side of the road and they ran into the brush. OCHOA stated that they spent all day and night Tuesday and Wednesday until they were picked up on Thursday at approximately 6:30 pm. OCHOA stated that he ran to the Sport Utility Vehicle and got in and was lying on the floor of the vehicle between the front and back seats. OCHOA also stated that the other subject in the vehicle was in the cargo area of the vehicle lying down as well. He described the driver of the vehicle as having short hair and wearing a blue sweater. They didn't travel too much distance when he noticed the red and blue lights and that was when the driver began to accelerate until the vehicle hit something and rolled over. Once the vehicle stopped he crawled out through the rear side window and ran into the brush but was apprehended later. OCHOA identified Alfredo PINEDA-Arzate as the driver of the vehicle.